

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL, INC., a California  
Corporation,

Plaintiff and  
Counterclaim-Defendant,

v.

INTERNET SECURITY SYSTEMS, INC.,  
a Delaware corporation, INTERNET  
SECURITY SYSTEMS, INC., a Georgia  
corporation, and SYMANTEC  
CORPORATION, a Delaware corporation,

Defendants and  
Counterclaim-Plaintiffs.

C. A. No. 04-1199 (SLR)

**PUBLIC VERSION**

**DECLARATION OF JOHN F. HORVATH IN OPPOSITION TO DEFENDANTS'  
MOTION FOR ATTORNEYS' FEES AND EXPENSES**

Dated: December 12, 2006

FISH & RICHARDSON P.C.  
John F. Horvath (#4557)  
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SRI INTERNATIONAL, INC.

cc: Richard L. Horwitz, Esq. (by hand)\  
Richard K. Herrmann, Esq. (by hand)  
Holmes J. Hawkins, III, Esq. (by Federal Express)\  
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INTERNET SECURITY SYSTEMS, INC.,  
a Delaware corporation, INTERNET  
SECURITY SYSTEMS, INC., a Georgia  
corporation, and SYMANTEC  
CORPORATION, a Delaware corporation,

Defendants and  
Counterclaim-Plaintiffs.

**REDACTED**

**DECLARATION OF JOHN F. HORVATH IN OPPOSITION TO  
DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND EXPENSES**

I, John F. Horvath, declare as follows:

1. I am an associate of Fish & Richardson P.C., counsel of record in this action for SRI International, Inc. ("SRI"). I am a member of the Bar of the State of Delaware and am admitted to this Court. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. Attached as Exhibit A is a true and correct copy of the (redacted) Invention Disclosure Form dated October 22, 1998 and production numbered SRI 287656-287659.
3. Attached as Exhibit B is a true and correct copy of the Complaint for Declaratory Judgment filed in U.S. District Court - Atlanta Division - by ISS on August 17, 2004.
4. Attached as Exhibit C is a true and copy of the Order dated June 9, 2005 transferring ISS's suit to Delaware.

5. Attached as Exhibits D and E are true and correct copies of the portions of Symantec and ISS's invalidity contentions dated November 15, 2005 that asserted that Live Traffic invalidated the patents-in-suit.

6. Attached as Exhibit F is a true and correct copy of a letter from Todd Miller to opposing counsel dated Jan 20, 1996 concerning Mr. Porris' deposition.

7. Attached as Exhibit G is a true and correct copy of an excerpt from the deposition of Al Valdes dated March 23, 2006.

8. Attached as Exhibit H is a true and correct copy of an email sent from the account of Beth Solka dated October 2, 1997 bearing production label SRIE 0018143.

9. Attached as Exhibit I is a true and correct of an email from Matt Schonlau dated October 1, 1997 bearing production label SRIE 0018147.

10. Attached as Exhibit J is a true and correct copy of "Live Traffic Analysis of TCP/IP Gateways" bearing production labels SYM\_P\_0068844-SYM\_P\_0068865.

11. Attached as Exhibit K is a true and correct copy of "Live Traffic Analysis of TCP/IP Gateways" bearing production labels ISS28365-ISS28384.

Dated: December 5, 2006

FISH & RICHARDSON P.C.

By: /s/ John F. Horvath

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SRI INTERNATIONAL, INC.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2006, I electronically filed with the Clerk of Court the PUBLIC VERSION of the DECLARATION OF JOHN F. HORVATH IN OPPOSITION TO DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND EXPENSES using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel. In addition, the filing will also be sent via hand delivery:

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I hereby certify that on December 12, 2006, I have mailed by Federal Express, the document(s) to the following non-registered participants:

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Defendant-Counterclaimant  
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Delaware Corporation, and Internet  
Security Systems, Inc., a Georgia  
Corporation

/s/ John F. Horvath

John F. Horvath

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